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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,692	06/06/2001	Shuling Yu	60001.0016US01	7937
27488	7590	07/15/2005	EXAMINER	
MICROSOFT CORPORATION C/O MERCHANT & GOULD, L.L.C. P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,692

Applicant(s)

YU ET AL.

Examiner

Cindy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/14/05.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-18 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18 and 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This is in response to amendment filed 04/14/05.

#### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 6-11, 25-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claims to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claims 1, 10, 11 and 25 only recites an abstract idea. The recites steps of searching for a help utility, a function wizard and the steps does not apply, involve, use, or advance the technological arts since all the recited steps can be performed in the mind of the user or by use of a pencil an paper. These steps only constitute an idea of how to construct and search the help utility.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim1-4, 6-18. 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Hita et al. (US 6081774) (Hita) in view of Richards et al. (U.S 5995921) (Richards).

Regarding claims 1, 10, 11 and 25, Hita discloses: a method, a computer readable medium and system of searching for a help utility, comprising the steps of:

searching at least one database containing a plurality of help utilities (col. 5, lines 52-64, Hita) provided to the database by variety of computer operating systems (col. 6, lines 66 to col. 7, lines 27, Hita);

finding a help utility matching the keywords among the plurality of help utilities (col. 11, lines 57 to col. 12, lines 8, Hita); and executing the help utility (col. 11, lines 57 to col. 12, lines

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8, Hita). However, Hita didn't disclose: providing a utility search dialog, inputting one or more search keywords directed to at least one of help utilities. On the other hand, Richards discloses: providing a utility search dialog 306, fig. 3B and corresponding text, Richards), inputting one or more search keywords directed to at least one of help utilities ((col. 4, lines 39 to col. 5, lines 2, Richards). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include providing a utility search dialog, inputting one or more search keywords directed to at least one of help utilities in the system of Hita as taught by Richards. The motivation being to provide the dialog user interface to allow the user enter the query in natural language words or phrases for searching help files when the user need help (col. 4, lines 40-66, Richards).

In addition, Hita/Richards discloses: whereby the search within the database yields function wizards across at least one of different operations system and different software applications (fig. 2 and col. 6, lines 66 to col. 7, lines 27, Hita).

Regarding claims 2, 13, 17 and 21, most of the limitations of these claims have been noted in the rejection of claim 1 and 13 above, respectively. In addition, Hita/Richards discloses: further comprising the steps of: determining whether more than one help utility is found matching the keywords (col. 11, lines 25-39, Richards); displaying all help utilities found to match the keywords (col. 13, lines 27-36, Richards); and selecting one of all help utilities found to match keywords (col. 13, lines 27-36, Richards).

Regarding claim 4, most of the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Hita/Richards discloses: further comprising the steps of if after the step of searching the database containing the plurality of help utilities, no help utility is found matching the keywords but a related help utility that closely approximates the keywords is found, then displaying the related help utility; invoking the related help utility (col. 39, lines 10-43, Hita).

As per claims 12, 16 and 20, all the limitations of these claims have been noted in the rejection of claims 1 and 4 above. It is therefore rejected as set forth above.

Regarding claims 3, 14, 18 and 22, most of the limitations of these claims have been noted in the rejection of claim 1, 13 and 16 above, respectively. In addition, Hita/Richards discloses: further comprising the steps of: if after the step of searching the database containing the plurality of help utilities, no help utility is found matching the keywords, then providing the utility search dialog (col. 9, lines 54 to col. 10, lines 15, Richards); inputting one or more additional keywords directed to one of the plurality of help utilities (col. 9, lines 54 to col. 10, lines 15, Richards); searching the database containing the plurality of help utilities (col. 5, lines 38-65, Richards).

As per claims 15 and 23, all the limitations of these claims have been noted in the rejection of claims 4, 12 and 20 above. It is therefore rejected as set forth above.

Regarding claim 6, all of the limitations of this claim have been noted in the rejection of claim 1. In addition, Hita/Richards discloses: whereby the plurality of helps

utilities further includes help utilities associated with a variety of computer software application (col. 6, lines 66 to col. 7, lines 27, Hita).

Regarding claim 7, all of the limitations of this claim have been noted in the rejection of claim 4. In addition, Hita/Richards discloses: wherein the plurality of help utilities comprise a plurality of wizards, each wizard associated with one of the variety of computer operating systems and wherein the related help utility is a wizard (col. 6, lines 66 to col. 7, lines 27, Hita).

Regarding claim 8, all of the limitations of this claim have been noted in the rejection of claim 4. In addition, Hita/Richards discloses: wherein the plurality of help utilities comprise a plurality of help files, each help file associated with one of the variety of computer operating systems and wherein the related help utility is a help file (col. 6, lines 66 to col. 7, lines 27, Hita).

Regarding claim 9, all of the limitations of this claim have been noted in the rejection of claim 1. In addition, Hita/Richards discloses: whereby the search keywords may be input using a plurality of languages (col. 5, lines 51 to col. 6, lines 15, Hita).

As per claims 20-23, all the limitations of these claims have been noted in the rejection of claims 1-4 above, respectively. It is therefore rejected as set forth above.

Regarding claim 26, most of the limitations of this claim have been noted in the rejection of claim 25. In addition, Hita/Richards discloses: wherein at least one of the plurality of help utilities is provided by a different computer operating system than other help utilities of the plurality of help utilities (col. 6, lines 66 to col. 7, lines 27, Hita).

Regarding claims 24 and 27, most of the limitations of these claims have been noted in the rejection of claims 1 and 26 above. In addition, Hita/Richards discloses: wherein the variety of computer operating systems comprises different computer operating systems that are connected in a network (col. 8, lines 40-55, Hita).

Regarding claim 28, most of the limitations of this claim have been noted in the rejection of claim 25. In addition, Hita/Richards discloses: wherein at least one of the plurality of help utilities is provided by a different computer software application than other help utilities of the plurality of help utilities (col. 6, lines 66 to col. 7, lines 27, Hita), and wherein the plurality of computer software application are connected in a network (col. 8, lines 40-55, Hita).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ainsbury et al. (U.S 6078924). Method and apparatus for performing data collection, interpretation and analysis, in an information platform.

Brooks et al. (US 4992972). Flexible context searchable on-line information system with help files and modules for on-line computer system documentation.

Johnson et al. (US 4648062). Method for providing an on line help facility for interactive information handling systems.



Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*CN*  
Cindy Nguyen  
July 5, 2005

*Frantz Coby*  
**FRANTZ COBY**  
**PRIMARY EXAMINER**